

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**FIRST APPEAL No. 4180 of 2001****For Approval and Signature:****HONOURABLE MR.JUSTICE AKSHAY H.MEHTA**

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1 Whether Reporters of Local Papers may be allowed
to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy
of the judgment ?

4 Whether this case involves a substantial question
of law as to the interpretation of the
constitution of India, 1950 or any order made
thereunder ?

5 Whether it is to be circulated to the civil judge
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NEW INDIA ASSURANCE CO.LTD. - Appellant(s)**Versus****MOHMEDHUSSAIN KASAMBHAI GUJARATI & 2 - Defendant(s)**

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Appearance :

MR SANDIP C SHAH for Appellant(s) : 1,
MS YAMINI J DESAI for Defendant(s) : 1,
NOTICE SERVED for Defendant(s) : 2,
SERVED BY AFFIX.(N) for Defendant(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA**Date : 21/02/2007****ORAL JUDGMENT :**

This is an appeal filed by the original opponent no. 3 – insurance

company under section 173 of the Motor Vehicles Act, 1988, against the order passed below application Exh. 6 in Claim Case No. 253 of 1999, by the Motor Accident Claims Tribunal [Main], Junagadh, dated 6/2/2001.

2. It is stated by Mr. Shah, learned advocate for appellant that the insurance company has deposited a sum of Rs.12,500/- before this Court on 11/7/2001. The balance amount of Rs.12,500/- will be deposited by the insurance company with the Tribunal within six weeks from the date of this order. Hence, the Tribunal is directed to pay Rs.5,000/- by account payee cheque to the original claimant after due verification. The balance amount to be deposited in fixed deposit with any Nationalized Bank. The Tribunal is further directed to hear and decide the main petition within a period of six months from the date of receipt of copy of the judgment.

Registry of this Court is directed to remit the amount deposited before this Court to the concerned Tribunal forthwith as also the record and proceedings of the case.

Subject to the aforesaid observations and directions, this appeal is dismissed with no order as to costs.

[Akshay H Mehta, J.]

* Pansala.